FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5224 OF 2004

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. S.M. Gorwadkar for petitioner.
Mr. P.J. Pawar for respondent nos.1,2 and 4.

CORAM: B.H. MARLAPALLE,J.

28/06/2007.

P.C.:

. Civil Suit No. 691 of 1998 was dismissed by the learned Judge of the Small Causes Court at Pune by judgment and order dated 30/11/2002. Being aggrieved by the said dismissal order, the plaintiffs filed Civil Appeal No. 873 of 2002 before the District Court at Pune. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 23/3/2004.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by

me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as withdrawn with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for. Ad-interim order granted earlier to continue for two weeks from today.

(B.H. Marlapalle,J.)